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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,382	04/15/2004	Kevin Erik Hultquist	1928-0148PUS3	6628

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EXAMINER

JOHNSON, MATTHEW A

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding..

Office Action Summary

Application No.

10/824,382

Applicant(s)

HULTQUIST ET AL.

Examiner

Matthew Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-17 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species:

- Species I: Fig. 8
- Species II: Fig. 10
- Species III: Fig. 12
- Species IV: Fig. 13
- Species V: Fig. 14
- Species VI: Fig. 15

The species are independent or distinct because:

- Species I discloses an alternative offset or eccentric driver where the mounting hole and screw are replaced by an driver (119) with an integral shaft (136) which projects from the base portion (135) for mounting to the lever or crank. The shaft (136) engages a nut to secure the driver (119) to the lever or crank and the shaft (136) has a hexagonal shank (137) for keying the driver (119) to the hexagonal holes in the lever or crank.
- Species II discloses a driver similar to the driver of Species I except that the shank (137) has an internally threaded hole (141) and a separate screw (136) nips the driver (119) to the lever.

- Species III discloses a driver (119) having a coaxial mounting hole (138) which receives a shaft portion of fixing screw (136). A nut (39) is screwed onto the shaft to fix the driver to the lever. The mounting screw has an integral shank (127) which mates in various orientations with the hole (29) in the lever (18) and the axis of the threaded screw portion is offset, i.e., non-coaxial with the axis of the shank portion.
- Species IV discloses a variation on the driver of Species III in that the mounting screw (136) is screwed directly onto the base portion (35) of the driver (119). Thus, instead of a through hole, there is an internally threaded mounting hole (141), which is coaxial with an axis of symmetry (50) of the body portion. The mounting axis (51), which is the axis of the shank (137), is laterally offset.
- Species V discloses a further variation over Species III in that the shank (137) is a separate item from the screw and base portion. The shank (137) has a through hole for receiving a mounting screw (136) and is able to be fixed or keyed to the hole (29) in the lever (18) at a number of orientations. As the hole in the shank is not co-axial with the mounting axis of the shank, as the shank is rotated with respect to the lever, the position of the hole rotates about the mounting axis, causing an offset effect in the location of the driver which is secured to the lever by the screw (136) passing through a through hole in the driver which is coaxial-with the axis

of symmetry (50) of the body portion (34) and a nut (79) nips the driver to the lever (18).

- Species VI discloses a driver similar to the driver arrangement of Species V with the nut 39 being replaced by an internally threaded hole 141 coaxial with the axis of symmetry 50. Of course, the screw could be replaced by a screw shaft integral with the base or body portions passing through the shank and engaging a nut to nip the driver to the lever.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-4, 8-11 and 17 appear to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

2. A telephone call was made to Ken Muncy on 10/24/06 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Johnson whose telephone number is 571-272-

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7944. The examiner can normally be reached on Monday - Friday 8:30a.m. - 5:00p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAJ MAJ 10/27/06

A handwritten signature in black ink, appearing to read 'Richard Ridley', is written over a horizontal line.

RICHARD RIDLEY
SUPERVISORY PATENT EXAMINER